# REPORT OF THE REPUBLICAN NATIONAL CONVENTION PUBLIC SAFETY PLANNING AND IMPLEMENTATION REVIEW COMMISSION

**EXECUTIVE SUMMARY** 

**JANUARY 14, 2009** 

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#### **EXECUTIVE SUMMARY**

#### Introduction

In September 2006, the Republican National Committee accepted the bid of the City of Saint Paul to host the 2008 Republican National Convention ("RNC"). Following this announcement, the Saint Paul Mayor's Office and the Saint Paul Police Department ("SPPD") declared that this would be a "different convention." Saint Paul officials made clear that they wanted a convention that was handled the "Saint Paul way." In their view, the City of Saint Paul would be "open for business" as usual. The city was going to ensure that convention participants and their guests would be safe; that those with opposing views would be able to express their views in a meaningful way; and that the Saint Paul business community would enjoy hosting thousands of out-of-state visitors who would partake of all that Saint Paul has to offer.

As part of their vision, they made it known that those coming to Saint Paul to engage in violent acts would be arrested. In order to make certain that peaceful protesters were welcome, city officials allowed permitted parades within one block of the convention site, created a free speech demonstration area across the street from the convention and allowed protest marches to take place while official business was taking place in the Xcel Energy Center. All this was unprecedented for a political convention. In addition, the SPPD adopted an approach to security planning that relied on a "softer" presence for law enforcement. From the beginning, the security approach adopted by Saint Paul was one that envisioned a substantial law enforcement presence, but one that started with less of a reliance on heavy riot gear unless such gear were necessary.

To promote this vision of the 2008 RNC, city and police officials communicated its message with the community at large public forums and at smaller meetings and gatherings. As a result, the business and protest communities had high expectations for this convention.

In many respects, Saint Paul city and police officials were successful. The convention proceeded without interruption. Delegates and guests were able to participate in the political process and express their First Amendment rights safely. Similarly, thousands of protesters marched and spoke out close to the convention site. During the four days of the convention, no one was seriously injured and there was limited property damage.

But not everything went as planned, and not all expectations were met. Saint Paul is the smallest city to host a national political convention in many years. The city needed to recruit law enforcement officers from around the country to prepare its security plan. This required the negotiation of over one hundred joint powers agreements. Because the SPPD worked in concert with the law enforcement agencies in surrounding jurisdictions, planning, training and communication did not always go as smoothly as hoped.

Shortly before the opening of the convention, the United States Secret Service erected a security fence in Saint Paul that made it difficult for convention participants, law enforcement and others to travel easily around parts of downtown Saint Paul. On the day before the convention, a small group of protesters were able to penetrate the fence at a specific location, causing law enforcement to guard the area with officers in full riot gear the next day. Many who had attended the city's public forums did not expect to see such a heavy police presence along the parade route.

Prior to the RNC, the SPPD learned that hundreds of self-declared violent anarchists might try to disrupt the convention. Between 500 and 1,000 of these anarchists came and descended on downtown Saint Paul on the first day of the convention. Law enforcement was taken by surprise when the anarchists attacked Saint Paul early on September 1, and when they turned violent so quickly. City and SPPD officials watching the violence discussed whether to allow a permitted march by thousands of peaceful protesters waiting nearby. Assistant Police Chief Matt Bostrom made the tough decision to allow the permitted march to proceed; and thousands proceeded with their peaceful protest against the RNC. Unfortunately, to a great extent, the message of the peaceful protesters was lost as the media and the community focused their attention on the violence of the anarchists.<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> Throughout this Report, the Commission will refer to those who planned to shut down the convention through violence as "anarchists." We do this for several reasons. First, these activists have repeatedly described themselves using this term. Second, an anarchist is by definition, "one who uses violent means to overthrow the established order." (Webster's Ninth New Collegiate Dictionary). Third, we do not view their actions as constituting "protest" as that term is commonly understood by the public. Thousands of demonstrators came to the RNC to protest against the war in Iraq, against various economic and social policies, against the way certain people in our society are treated, and for other reasons. They planned to protest through organized and permitted marches and peaceful civil disobedience. They came to Saint Paul to make their voices heard and to register their disapproval with government policies, as a free society allows and a free country encourages. They did not make Molotov cocktails or throw human waste at others. In this Report, we draw a sharp distinction between those who came to Saint Paul to protest and those who came to commit violence and interfere with the free speech rights of others. We refer to the former as "protesters" and the latter by their self-declared title, "anarchists." Our regrets to any non-violent anarchists reading this Report who disagree with the violence inflicted by those who came to Saint Paul to do harm.

<sup>&</sup>lt;sup>2</sup> At public forums and in private communications, some community members questioned whether the anarchists were as violent as portrayed by law enforcement and questioned the police response. One voicemail message left for the Commission stated: "Apparently [Mayor] Coleman said there was a real orchestrated threat to the city. If there was, tell us about it. Let us know." In this Report, we address this question directly. Having reviewed reports of anarchist behavior at prior conventions, law enforcement intelligence of the anarchists' plans, motives and tactics, the reports of law enforcement officers who encountered the anarchists and hours of video coverage of the anarchists' activities, we conclude that they did indeed pose a threat to the safety and security of Saint Paul. These were sophisticated, organized and tenacious activists intent on committing repeated and highly dangerous acts of violence.

As the anarchists attacked downtown Saint Paul, law enforcement engaged them in a continuously escalating manner designed to quell the violence and prevent future attacks. Throughout the day on September 1, anarchists engaged in violent and destructive behavior including throwing sandbags and other items off of the Marion Street Bridge on to traffic; smashing windows downtown; attacking police cars; surrounding cars driving through downtown; throwing rocks, human waste and other items at police; and trying to stop delegate buses.

By mid-afternoon on the first day of the convention, the high visibility and heavy gear the city had hoped to avoid were present throughout much of downtown. All the while, thousands of peaceful protesters marched near the convention venue without incident.

Thereafter, although peaceful protests continued to take place as planned during the RNC, the police presence in Saint Paul looked and felt different than many expected based on the city's vision. On two of the subsequent days of the convention, the SPPD received intelligence that the anarchists were emboldened by their success on the first day, and would continue in their efforts to "shut down" the RNC. While the police response to this intelligence and the persistent efforts of the anarchists was, for the most part, justified and appropriate, it was not consistent with the city's vision and with the message the city had been sending to community members for over one year. And, the peaceful protesters were among the victims, as their message was for the most part lost in the extensive news coverage about the anarchists.

Finally, starting with the battle between the anarchists and law enforcement on the first day of the convention, and continuing through the final night of the event, dozens of journalists were arrested and detained, some of whom were held for periods of time and separated from their cameras and other equipment.

All told, police arrested over 800 people during the RNC and the voices and message of the peaceful protesters went mostly unheard as the term "protester" became synonymous with those engaged in violence in downtown Saint Paul.

Therefore, while the convention was a success on many fronts and promoted Saint Paul to a national and international audience, there were lingering questions and concerns locally. After the convention, some in the protest community stated that they felt "betrayed" by the heavy police presence and questioned whether the "threat" presented by the anarchists warranted such a strong police response; members of the business community wondered what happened to the expected influx of business; and members of the media questioned their treatment and handling.

#### The Formation of this Commission

As a result, Mayor Chris Coleman requested that Thomas B. Heffelfinger, the former United States Attorney for Minnesota and Andrew M. Luger, a former Assistant United States Attorney, form a Commission to investigate the planning, execution and implementation of security for the 2008 Republican National Convention, including law enforcement's interaction

with the community. Formally titled the RNC Public Safety Planning and Implementation Review Commission, the Commission consists of seven members:

Thomas Heffelfinger, Co-Chair Andrew Luger, Co-Chair Linda White, Commission Member George Latimer, Commission Member Mary Vukelich, Commission Member Robert Hernz, Commission Member Prof. Barry Feld, Commission Member

On October 1, 2008, the Saint Paul City Council approved the formation of the Commission and determined that the Commission would investigate the planning, execution and implementation of security for the RNC and review law enforcement's interaction with the community. While this mandate was broad, the Commission was not to investigate specific incidents or make findings with respect to the conduct of individual members of law enforcement. The Mayor and City Council requested that the Commission prepare a written report detailing its findings and conclusions, and asked that the Commission make recommendations for future events. In particular, the Mayor and the City Council requested that the Commission consider recommendations for the next cities conducting national political conventions.

Over the course of the past few months, members of this Commission conducted dozens of interviews, reviewed thousands of pages of documents and scores of photographs and watched hundreds of hours of video coverage of the convention. They watched coverage from bloggers, independent media sources, the police, network news outlets and amateur videographers. Protesters and residents spoke freely with the Commission Members about their experiences during the RNC and were articulate and passionate about their disappointments and frustrations. In public forums, in private discussions and in numerous written submissions, those who came to the RNC to express opposition to the convention explained their deeply held view that what they witnessed from the police did not represent their Saint Paul.

City and law enforcement officials were no less articulate. Rather than being defensive or secretive, city and SPPD officials and employees have shown us remarkable candor, and have not hesitated to admit mistakes and point out flaws in their own planning and execution. All displayed a true interest in learning from the RNC and assisting future cities in planning for their own conventions. As a result, this Commission received a great deal of information, much of it self-critical, from law enforcement itself. On numerous occasions, law enforcement officers told us that they agree with some of the criticisms they heard from the community. While rightfully proud of the hard work they put in to make the RNC the success that it was, most officials wanted to do better.

In this Report, the Commission expresses its findings as to planning, execution and implementation of the security operations by law enforcement, including law enforcement's interaction with the community. In addition, we also present our conclusions as to law

enforcement's interactions with the community and recommendations for conducting security operations at future events, including future political conventions.

The Findings, Conclusions and Recommendations in this Report represent the unanimous view of the Members of the Commission.

#### **Summary of Factual Findings**

The City of Saint Paul's Vision for the RNC and Message to the Community

City and SPPD leadership set a clear vision for how Saint Paul would host the RNC. At 200 public forums and smaller meetings, city and SPPD officials informed the community that this would be a "different" convention conducted the "Saint Paul way." In the view of city leaders, the city would be "open for business," would encourage the expression of free speech by peaceful protesters and would maintain a friendly, low visibility police presence. While this vision well-represented the values and principles of Saint Paul and its police department, it set the bar high and created what appear to be unrealistic expectations.

This message was met with some initial resistance. Many in the business and law enforcement communities, and some residents as well, were concerned at the outset about potential violence and focused their attention primarily on the threat to the community from outside activists. The perceived threat of violence predominated early discussions in the community about the convention and city and SPPD officials tried to convince those with significant concerns that the city could deliver a peaceful and successful convention. In order to calm the fears of many, city officials emphasized that they were ready to handle violence without shutting down Saint Paul in the process.

There was a natural tension between the city's vision of a "different" convention and the need for the SPPD to prepare for potential violence at the RNC. While the city and SPPD promised a lighter police presence and a welcoming atmosphere for peaceful protests, they needed to be ready if those who had tried to disrupt other conventions came to Saint Paul. The city was therefore caught in a dilemma: how much to discuss the open and welcoming nature of the convention and how much to discuss the elaborate security plans and threat of violence? By virtue of the fact that the city's message focused on the former and not the latter, the community's expectations for the RNC were high.

When the SPPD responded to intelligence that showed a real threat from violent, well-organized anarchists and to events during the convention with police in full riot gear using what appeared to be aggressive crowd control tactics, many in the community complained that this was not what they expected. In this Report, we review in detail how the SPPD changed its approach in certain circumstances to meet the threat and reality of anarchist violence. While, for the most part, we find the SPPD's changes to be reasonable and appropriate, we conclude that the city and SPPD should have communicated a more balanced message regarding the prospects for the RNC.

#### The SPPD Security Plan

The SPPD was the lead local agency in charge of security for the RNC. While the United States Secret Service was the lead agency for security within the Xcel Energy Center ("inside the box"), the SPPD was in charge of law enforcement planning and operations outside of the convention site ("outside the box"). In March 2007, the United States Department of Homeland Security designated the RNC a National Special Security Event ("NSSE").

Saint Paul was the smallest city to host a national political convention in many years. Because of its size, Saint Paul faced substantial hurdles in its planning process. In order to deploy sufficient officers for the RNC, the city needed to recruit officers from jurisdictions around the country. This required the city to enter into over 100 joint powers agreements. The negotiation of these agreements took a great deal of time and stretched the city's resources. The delay in reaching agreement with so many jurisdictions delayed the staffing of the security operation for the SPPD and distracted law enforcement and city leaders. In addition to the problems presented by the joint powers agreements, the SPPD had the difficult task of coordinating planning and training with a broad group of local law enforcement partners. The SPPD used the United States Secret Service's model of a large Executive Committee and 17 Subcommittees for security planning. Because of the unique problems the city faced, this standard planning mechanism grew to be cumbersome and at times unworkable. Late in the planning, the SPPD and local law enforcement leaders created alternative planning models that they used along with the Secret Service structure.

The SPPD's security plan was in many ways appropriate for the RNC and was consistent with the city's vision for the convention. It emphasized crowd control over arrests and used a tiered approach to law enforcement visibility and force. According to the plan, most officers would begin the event displaying a light presence – officers on bikes and horses in plain uniforms and riot officers in unmarked vans. Officers watching the planned demonstrations would be mostly in plainclothes and would deploy off of the parade route.

The plan, however, had some shortcomings that affected law enforcement's response to anarchist violence on the first day of the convention. First, Patrol Officers were not included in the SPPD's RNC plan. Second, the Mobile Field Force ("MFF") consisted of many unmarked vans that were required to stay together when responding to a call. This made the MFF less mobile or agile than needed. Third, the regular police dispatch channel was not integrated into the RNC dispatch, leaving the Patrol Officers who responded to early anarchist activity unable to communicate directly with the MFF. Finally, the MFF units that responded to RNC calls did not always have arrest teams making early, surgical arrests more difficult. Moreover, to a great extent, these MFF teams were required to seek the approval of central command in order to take responsive action. All of these problems contributed to law enforcement's slow and disjointed response to early anarchist activities on September 1.

#### The Media and the SPPD Security Plan

The SPPD's general media policy is to foster openness and transparency and to allow the media sufficient access to events to tell their story. Because of this historical relationship

between the media and the SPPD, local journalists had high expectations for how they would be treated during the RNC.

Prior to the convention, lawyers representing the media met with various government officials, including SPPD leaders, to address journalist concerns about mass arrests and how they might be treated during the convention. The SPPD assured the media representatives that there were no plans for mass arrests and that they did not foresee any change in the long tradition of open access and fair treatment for journalists. Despite requests from the media representatives, the SPPD did not draft a protocol addressing the detention and arrest of journalists caught in unlawful assemblies and other events during the RNC.

Both the media and the SPPD struggled with the question of who was a journalist and whether journalists (however defined) should be afforded some form of special treatment should they find themselves detained or arrested. While the SPPD did not draft a protocol for the treatment of the media during the RNC, representatives of the media never presented their version of what the SPPD should adopt. The SPPD did allow journalists to embed with the police during the RNC, and a number of media outlets took the SPPD up on its offer.

Law enforcement's treatment of the media during the RNC was uneven and uncoordinated. On September 1 and September 3, officers allowed journalists to self-identify and remove themselves from unlawful assemblies. On September 4, law enforcement for the most part took the opposite approach. In all, over 40 journalists were arrested during the RNC, some of whom were detained for long periods of time and separated from their equipment. As a result, the media coverage of journalists' experiences often became the story.

#### Intelligence Gathering and Threat Assessment

As the SPPD developed its security plan for the RNC, they set out to learn about the potential threat of violent activity at the convention. They accomplished this task in two ways. First, they learned about violent activities at prior conventions and international conferences. Second, they gathered intelligence into the activities of anarchist groups around the country threatening to disrupt the convention.

Law enforcement officials obtained information about anarchist threats and security preparations from a wide variety of jurisdictions including: Seattle, New York, Boston, Los Angeles and Philadelphia. They reviewed reports from these cities, spoke with their law enforcement leaders and compared notes about security plans, threat assessments and training and staffing issues.

The seminal event in threats to national and international conferences took place during the 1999 Seattle World Trade Organizational Ministerial Conference ("WTO"). There, a group of well-organized, violent, self-proclaimed anarchists attacked the city, forcing it to shut down the conference. At times, the Seattle police lost control of their city as they were caught unprepared for the level of coordination displayed by the anarchists and their willingness to engage in violent action. Despite intelligence suggesting that the anarchists had sufficient

numbers to accomplish their task, local police believed that Seattle's tradition of peaceful protest would carry the day. It did not.

Following days of anarchist violence in downtown Seattle, the police were able to regain control and allow the conference to continue. After the WTO, the police and others studied the events and reached a number of conclusions. Their message to others hosting similar events was to have sufficient police on hand to meet the threat presented by anarchist activities; to take the anarchists seriously; to make early arrests; and to prepare the community for the possibility of violence and a strong police response. The lessons of the WTO are relevant to the 2008 RNC.

Following the WTO, all cities hosting national political conventions have undertaken measures to prepare for anarchist violence by developing intelligence into the anarchist groups and drafting security plans to prevent the anarchists from achieving their goals of shutting down the convention. As the SPPD learned from these jurisdictions, the anarchists always set the same goal – shutting down the event – and used similar tactics including creating Molotov cocktails to throw at police; utilizing blockades to close off traffic and prevent delegates from getting to the event; carrying slingshots to throw rocks, urine, feces and other items at police; and monitoring police communications to avoid arrest and detention.

Despite the SPPD's security concerns, they went forward with a plan to allow peaceful protests within a short distance of the convention site. As a result, the city constructed a free speech zone, or Public Viewing Area ("PVA"), across the street from the Xcel Energy Center that included a stage and sound system for those who wanted to make speeches. The city also approved a parade route that brought marchers within a block of the convention, and allowed marches against the RNC to take place while the convention was in process. In developing these plans, the city sought to distinguish its promotion of free speech from that of Boston, where a federal judge described the public viewing area as more of an "internment camp." The city proceeded with these plans despite security concerns about anarchist activities and opposition from the RNC Committee on Arrangements, the organizers of the convention.

Prior to the RNC, law enforcement gathered a substantial amount of intelligence into the operations of anarchist groups around the country. This included information about the plans and tactics of a national coalition of anarchists calling themselves "the RNC Welcoming Committee." The Welcoming Committee's stated goal was to shut down the RNC using a variety of violent methods. Among other things, the Welcoming Committee recruited members to this cause by hosting training camps, publishing documents entitled "A Call to Action" and communicating with potential members around the country. The Welcoming Committee adopted a three-part plan to shut down the convention that was summarized in the commands: "Swarm, Seize, Stay."

Shortly before the RNC, law enforcement executed a series of search warrants based on intelligence that indicated Welcoming Committee members had brought to the Twin Cities various weapons and other items to be used in their effort to shut down the convention. The searches yielded many items consistent with the anarchists' known tactics including: slingshots, bricks, buckets and bottles of urine, Molotov cocktails, caltrops, knives, chains, piping and other

similar items. In addition, federal law enforcement officials arrested two men suspected of manufacturing Molotov cocktails for use against police at the RNC.

# Law Enforcement Interaction with the Community at the RNC

# 1. September 1, 2008

Law Enforcement Intelligence and Deployment

Law enforcement possessed intelligence that September 1 was the anarchists' "all in" day with the goal of "shutting down" the RNC. Their tactic was either to attack the Xcel Energy Center from divergent directions or to break off from the peaceful march. In either event, law enforcement believed they would likely begin their action simultaneous with the 1:00 p.m. permitted march.

Unarmed reserve officers lined the permitted route except at two locations where the SPPD had decided to place MFF officers for security reasons. Other MFF units and Bike Officers were situated at various locations near the parade route, ready to be deployed if needed.

# Early Anarchist Activity

At approximately 11:00 a.m., a dozen anarchists pushing a dumpster confronted two Saint Paul Patrol Officers near W. 7<sup>th</sup> St. and Western. According to the RNC plan, Patrol Officers were supposed to see no change in their normal routine during the RNC. The Officers made several arrests.

At approximately 11:45 a.m., three Patrol Officers confronted another larger group of anarchists pushing a dumpster on Cathedral Hill. They asked for assistance from an MFF unit. This group of anarchists moved freely around the area and at one point threw large sand bags and highway signs from the Marion Bridge at delegate buses below, striking one bus. The group was eventually surrounded by MFF and Patrol Officers in Summit Park but quickly released. No arrests were made. The group then went into downtown.

At approximately 1:00 p.m., another large group of anarchists confronted an MFF unit at 12<sup>th</sup> and Cedar. The MFF Officers initially prevented the anarchists from leaving the permitted parade route. However, the MFF Officers then stepped aside and "let 'em go" into downtown. Had law enforcement contained and controlled these two groups, it would have reduced the subsequent violence and damage downtown.

#### Peaceful Permitted Marches

There were two permitted marches on September 1, one of which, the Anti-War Coalition to March on the RNC, was projected to be the largest of the convention. At 1:00 p.m., when this march was scheduled to begin, there were already large groups of anarchists creating mayhem downtown. Assistant Chief Bostrom made the tough decision to let the permitted march proceed despite the significant risk of increased violence if the anarchists and the peaceful marchers

merged. The permitted Anti-Coalition March of 3,500 to 10,000 people proceeded peacefully and without any significant interaction with the police.

Anarchist Activity in Downtown St. Paul

Anarchist groups converged on downtown from several different directions and quickly began engaging in violent, criminal activity.

The initial law enforcement response downtown was primarily from individual Patrol Officers, who found themselves out-numbered and facing hundreds of anarchists. Because of radio communication problems and the fact that the MFF units took a long time to respond, the MFF units either did not respond or responded too late to assist the Patrol Officers. As a result, Bike Officers provided the primary support for Patrol Officers prior to approximately 2:30 p.m.

Between approximately 12:30 p.m. and 3:00 p.m., the anarchists moved relatively freely through downtown Saint Paul. Loose items, including planters, refuse containers, newspaper boxes and traffic signs, became weapons of convenience for anarchists, who also used them to block streets. During their rampage, the anarchists broke windows on buildings and police cars, slashed tires on police cars and media vehicles, blocked streets and attacked individuals, including police officers, RNC delegates and bystanders. They also attempted to prevent RNC delegates and delegate buses from entering the Xcel Energy Center. Throughout the day, the anarchist groups engaged police in a game of "whack-a-mole," in which police were always chasing, but never controlling, the anarchists.

### Police Regroup and Contain the Anarchists

Shortly before 3:00 p.m., MFF units gathered south and east of the Landmark Center and began moving the anarchists out of downtown. This led to a large confrontation between anarchists and law enforcement along Kellogg. During these confrontations, MFF Officers used less-than-lethal weapons. While most of the conduct we reviewed appeared appropriate under the circumstances, the Commission did observe numerous incidents in which law enforcement engaged in the indiscriminate, offensive use of pepper spray on specific individuals. Pepper spray is typically used defensively – to fight off an attack or to clear a large crowd. The offensive use of pepper spray on specific individuals warrants further review.

Facing MFF pressure, the anarchist groups split at Kellogg and Robert, one group fleeing to the area of  $9^{th}$  and Temperance, where they were arrested or escaped. The other group fled to Shepard Road.

During several confrontations downtown, police reported that anarchists threw urine and feces at them. One of these confrontations occurred at Jackson and Shepard, where police reported and photographed feces being thrown.

The anarchists on Shepard Road were driven west to a park near Chestnut Road. At that location, the anarchists merged with a crowd of bystanders. The MFF units surrounded and detained the entire crowd. Although police attempted to remove bystanders and media, the

police acknowledge that some bystanders were likely among those arrested. This event warrants further review as a possible "mass arrest."

The Commission received numerous citizen complaints of excessive use of force by police and of a police presence that had the appearance of a "police state." The Commission has concluded that the police presence, and use of force downtown were, with certain exceptions noted above, appropriate responses to the anarchist violence. The Commission has also concluded, however, that the community was not sufficiently prepared by city or SPPD officials for the possibility of anarchist violence and the sight of officers in heavy riot gear using chemicals to disperse violent crowds.

#### 2. September 2, 2008

Law Enforcement Response to September 1

Police were surprised by the organization, tenacity and aggressiveness of the anarchists on September 1 and were committed not to permit a repetition of those events. Beginning on the late afternoon of September 1 and continuing thereafter, the police strategy for dealing with anarchists was "contain and control." Although the SPPD had planned for a soft presence during the convention, they changed their approach after September 1 and decided to display more officers in full riot gear to deter more violence.

# Law Enforcement Intelligence and Deployment

The intelligence that law enforcement received late on September 1 indicated that those anarchists not arrested on September 1 planned to use the Poor People's March on September 2 to engage in violent action. According to police intelligence, the anarchists intended to attach themselves to the end of the march and deviate from the parade route, likely near 7<sup>th</sup> and St. Peter. Prior to the march, police arrested individuals with urine and feces in their backpacks, underscoring the intelligence.

As a result of law enforcement intelligence and the SPPD's decision to change tactics after September 1, on September 2 they placed MFF Officers along the entire length of the Poor People's parade route.

#### Poor People's March

There were 11 permitted marches that took place in Saint Paul during the RNC. Ten of those marches were peaceful and experienced no significant interaction with police. The eleventh march, the Poor People's March on September 2, was generally peaceful except for the anarchist group that attached themselves at the end of the march.

When those at the end of the march reached the PVA, the anarchists did not move on as others did, but stayed and congregated. Law enforcement observed some individuals trying to climb or tear down the PVA fence in order to get to the Xcel. MFF Officers entered the PVA

and ordered the crowd to disperse. Officers then set off smoke grenades, which cleared the crowd out of the PVA.

The crowd then moved east to the area of Mickey's Diner at 7<sup>th</sup> and St. Peter. At that point, the anarchist crowd again congregated. Police developed intelligence at the scene that the anarchists were going to create a distraction and try again to get to the Xcel Energy Center. Police again gave dispersal orders and used less-than-lethal weapons (smoke and tear gas grenades and 40mm marker rounds). The crowd dispersed as ordered and the police made few arrests.

The police considered this interaction a successful "deliberate implementation of strategic escalation" to achieve the dispersal of a crowd. Many members of the community, however, told the Commission that they witnessed excessive use of force and that the scene at Mickey's Diner took on the appearance of a "police state." The Commission has identified one of these complaints that may warrant further review. The Commission has also concluded that the police presence during the Poor People's March, although appropriate in light of intelligence and events, created a different appearance from that expressed in the City's vision and that shown in other parades.

# 3. September 3, 2008

A Rage against the Machine concert was scheduled in downtown Minneapolis the night of September 3. Police developed intelligence that there would be an unpermitted march from the Target Center to the Minneapolis hotels of Senator McCain and other Republican leaders. Inasmuch as the anticipated event was in Minneapolis, that police department was in command and in charge of planning. The Minneapolis Police anticipated a crowd of anarchists in excess of a thousand and deployed officers consistent with that size crowd.

After the concert ended, it quickly became apparent to law enforcement that a crowd of far fewer than 1,000 was gathering. Although the crowd initially took control of an intersection next to the Target Center, the Minneapolis Police quickly changed strategies, gave dispersal orders, regained control of the intersection and drove the crowd east on 7<sup>th</sup> Street to 2<sup>nd</sup> Avenue where they made arrests. During this confrontation, police used limited less-than-lethal weapons. The Commission has heard no citizen complaints directed at police actions on September 3. Nevertheless, Minneapolis police leaders have acknowledged that the number of officers they deployed, in anticipation of a crowd of 1,000, could give rise to the perception of a "police state."

#### 4. September 4, 2008

Law Enforcement Intelligence and Plan

Law enforcement developed intelligence that the last day of the RNC was to be an "all in" day for those who had not previously been arrested. The intelligence indicated that the Anti-War Committee march was not going to be "family-friendly" and that the march organizers

intended to violate the march permit. The police also had intelligence that the marchers planned to disrupt the appearance of Senator McCain later on the evening of September 4.

Law enforcement leaders planned to cancel the parade permit if the marchers did not complete the march by the scheduled time, 5:00 p.m. If the marchers did not honor the permit, law enforcement planned to block every bridge across I-94 in downtown Saint Paul with heavy equipment and MFF. (The march was to proceed following a rally on the Capitol grounds.)

#### The Anti-War Committee March

During the afternoon, Bike Officers arrested two people during the pre-march rally. This arrest appears to have excited the crowd.

During the afternoon, Anti-War Committee March organizers publicly announced they would violate the permit and twice told Saint Paul Officers the same thing.

Shortly before 5:00 p.m., the police blocked the bridges over I-94 and announced that the march permit was cancelled. The crowd of approximately 1,500 people immediately began to move toward the Cedar Street Bridge. After finding the bridge blocked, the crowd soon moved to the John Ireland Bridge, where a standoff occurred with the MFF. After approximately one hour, police gave dispersal orders. Before arrests could be made, the crowd of now less than 1,000 returned to the Cedar Street Bridge. After approximately 20 minutes, the police gave more dispersal orders and then encircled and arrested a small group of approximately 80 peaceful protesters.

Soon after the arrests at the Cedar Street Bridge, the remaining crowd of approximately 500 moved toward Marion Street and the Sear's lot, where a game of "whack-a-mole" took place with the police.

At 8:00 p.m., Bike Officers blocked a cohesive crowd that had entered University Avenue. The officers quickly deployed smoke grenades to move the crowd back toward the south and the Sear's lot. As caught on video, Bike Officers on University also used pepper spray offensively at one targeted individual after the crowd had dispersed. This event warrants further review.

By this time, MFF commanders had concluded that the crowd would not voluntarily disperse and elected to bring the matter to a conclusion. Heavy equipment and MFF units blocked the south end of the Marion Street Bridge over I-94. MFF units along University and Rice used smoke grenades and bull horns to drive the crowds on to the Marion Street Bridge, where approximately 350 people, including members of the media, were arrested. During these arrests, law enforcement discovered that some of those arrested carried knives and devices to cut down fences. One person carried a gun.

It is clear law enforcement faced a difficult challenge on September 4 chasing a crowed that was very mobile. Law enforcement correctly prevented this crowd from attacking the Xcel and disrupting the convention. But the crowd was not only mobile, it contained a mixture of

peaceful protesters and anarchists, was not willing to disperse and was intent on illegally marching to the Xcel Energy Center. However, it is also clear that the law enforcement plan for the evening lacked clarity on whether to "wait them out" or to arrest them pursuant to dispersal orders. The police also gave conflicting information regarding unlawful assembly escape routes that effectively drove individuals into locations where police were waiting. Finally, the arrests on the Marion Street Bridge were conducted in a manner that may amount to a "mass arrest" and warrants further review.

#### Reactions to the RNC from the Community, the Media and Business

## Protest Community and Residents

The Commission received information from the protest community and residents in a number of formats and venues. The following is a summary of community concerns about and reactions to law enforcement's security operations at the RNC:

- The police presence was not the "soft" appearance that was promised; on the first day of the convention, there were already police dressed in full riot gear.
- The large, black opaque security fence was seen as intimidating to some protesters and residents.
- The SPPD promised that all police would be easily identifiable; MFF Officers did not have badges or identification with their names displayed.
- It appeared to some as though the SPPD abdicated control over security in downtown Saint Paul to the Secret Service or the F.B.I.
- Law enforcement overreacted to what really amounted to no more than unruly behavior by students, the type of behavior that would be ignored following a sporting event.
- The pre-convention searches, particularly the search at the Iglehart address, were designed to limit dissent and to silence independent media.
- The allegations that anarchists were throwing urine and feces was invented or vastly overstated.
- Law enforcement engaged in mass arrests on September 1 and September 4.
- Law enforcement took over the Public Viewing Area to silence protesters on September 2.
- MFF Officers and others engaged in excessive and offensive use of pepper spray.
- Police presence created the impression of a "police state."

As reflected in our Conclusions, the Commission addressed many of these concerns as part of our work.

Based upon the Commission's review of the public safety aspects of the RNC, it is clear that the peaceful protest community really lost out in the event. The protest community lost out because their messages disappeared in the "noise" created by the anarchists and the media's disproportionate coverage of the anarchists' conduct and its coverage of its own interaction with police.

#### Media

Based on numerous meetings and discussions with members of the media and their representatives, the Commission heard several primary concerns. First, journalists were highly critical of law enforcement's decision to arrest and detain journalists who were covering disturbances. Journalists were concerned that media present during disturbances were treated no differently than those engaged in the disturbances. Second, journalists were critical of the uneven and disparate treatment received by them from the police, both when comparing different days of the RNC (September 1 versus September 4) and when comparing one journalist with another. Finally, the media was critical of government officials for not developing a uniform protocol addressing how the media would be treated during the RNC.

# The Business Community

The Commission met with representatives of the Saint Paul business community. They were generally commendatory and appreciative of Saint Paul city and law enforcement officials for their work before and during the RNC. Some business leaders did express disappointment that convention business projections were not realized. Some business leaders also expressed frustration with the last-minute erection of fencing near the Xcel Energy Center that effectively blocked off some businesses.